**UNITED STATES COPYRIGHT ROYALTY JUDGES**
**The Library of Congress**

| *In re* | |
|---|---|
| **DETERMINATION OF ROYALTY RATES AND TERMS FOR EPHEMERAL RECORDING AND DIGITAL PERFORMANCE OF SOUND RECORDINGS *(WEB IV)*** | **Docket No. 14-CRB-0001-WR (2016-20)** |

# ORDER DISMISSING PETITION TO PARTICIPATE (TRITON DIGITAL, INC.)

## I. Introduction

On April 30, 2014, the Copyright Royalty Judges (Judges) issued an Order to Show Cause directing Triton Digital, Inc. (Triton) to show cause, if any there be, why its Petition to Participate in the captioned proceedings should not be dismissed. Triton filed a timely response on May 14, 2014.

## II. The Applicable Statute and Legislative History

Under the Copyright Act (Act), 17 U.S.C. § 803(b)(2)(C), only parties that have a "significant interest in a proceeding" may participate.[1] The Judges may make a determination *sua sponte,* or on the motion of another participant, that a party seeking to participate lacks a significant interest. Neither the Act nor the Judges' rules defines, however, what constitutes a "significant interest." To interpret this legislative language the Judges consider both the legislative history of section 803(b)(2) of the Act and prior decisions under the Copyright Arbitration Royalty Panel (CARP) system[2] for guidance.

The House Report[3] accompanying the Copyright Royalty Distribution Reform Act of 2004[4] states, with regard to the "significant interest" prerequisite:

> [T]he [House Judiciary] Committee intends the "significant interest" requirement to restrict participation to those who have a stake in the outcome of the proceeding. In other words, to have a significant interest in a royalty rate, the participant must be a party

[1] Other requirements are that the party file a Petition to Participate that is facially valid and pay the appropriate filing fee. 17 U.S.C. § 803(b)(2)(A), (B), and (D).

[2] Section 803(a)(l) of the Act directs the Judges to act in accordance with, *inter alia,* prior determinations and interpretations of the Copyright Royalty Tribunal, the Librarian of Congress, the Register of Copyrights, and the CARPs.

[3] The Supreme Court has repeatedly recognized that the most authoritative extrinsic source for legislative intent lies in the committee reports on a bill. *See, e.g., Thornburg v. Gingles*, 478 U.S. 30, 44 n.7 (1986).

[4] Pub.L.No. 108-419, 118 Stat. 2341 (Nov. 30, 2004).

> directly affected by the royalty fee (*e.g.*, as a copyright owner, a copyright user, or an entity or organization involved in the collection and distribution of royalties). As a copyright owner, one has a significant interest in a royalty rate because the rate determines how much the owner will receive in compulsory license fees from the use of his or her works. As a copyright user, one has a significant interest in a royalty rate because the rate determines how much that party must pay for the use of copyrighted works. Included in these categories are organizations and societies that represent the rights and interests of copyright owners and users.

H.R. Rep. No. 108-408, at 27 (2004) (House Report).

More broadly, the House Report describes the purpose of the significant interest requirement as ensuring that "only parties with legally protectable and tangible interests may take part" in proceedings. *Id.* "[T]he Committee intends the 'significant interest' requirement to restrict participation to those who have a stake in the outcome of the proceeding. In other words, to have a significant interest in a royalty rate, the participant must be a party directly affected by the royalty fee .... " *Id.*[5]

Nothing in the legislative history indicates that the specific examples in the House Report of entities with "significant interests" sufficient to permit their participation in royalty rate proceedings were intended to comprise the entire universe of such entities. Nor does the legislative history suggest that all entities that perform any of the mentioned functions automatically have a "significant interest." Thus, as the Judges recently noted, "there is no categorical bright-line test to determine whether a party has a significant interest in a given proceeding." *NMPA Order,* at 3; *see also Determination of Reasonable Rates and Terms for the Digital Performance of Sound Recordings by Preexisting Subscription Services,* Docket No. 2001-1 CARP DSTRA, 68 Fed. Reg. 39837, 39839 (Jul. 3, 2003) (PSS II) (Decision by Copyright Office holding "[t]he inquiry is a factual one and determinations must be made on a case-by-case basis.").

## III. Triton Lacks the Required "Significant Interest"

Triton's description of its business activity does not demonstrate a significant interest in this proceeding.[6] First, Triton candidly acknowledges that it "is currently neither a licensor nor a licensee of sound recordings; nor does it directly represent such licensors or licensee in the sense of a trade association or organized coalition of webcasters." *Triton Response* at 2. Second, Triton never identifies any service that it provides that falls within the other example listed at page 29 of the House Report, *viz.*, "an entity or organization involved in the collection and distribution of royalties." Third, the business services that Triton *does* claim to provide—

[5] This "significant interest" test is analogous to the determination of "standing" in federal courts. *See Determination of Royalty Rates and Terms for Ephemeral Recording and Digital Performance of Sound Recordings (Web IV), Docket No. 14-CRB-0001-WR (2016-2020),* Order Granting SoundExchange Motion to Deny the Petition to Participate of National Music Publishers' Association, at 3 n.6 (April 30, 2014) *("NMPA Order").* Where, as here, there are already multiple participants with clearly significant interests, such as the licensees themselves and their trade association, the question of whether to permit participation by a non-licensee who will advocate on the licensees' behalf is perhaps more analogous to a question of intervention rather than standing. Considered in that context, a denial of a putative party's right to participate would not foreclose the substantive result sought by that putative party.

[6] This is not to say that no business that only provides license administration and royalty payment services in connection with the statutory licenses available pursuant to 17 U.S.C. Sections 112 and 114 can have a significant interest in proceedings pursuant to those sections of the Act. For example, a license administration and royalty payment service business could theoretically constitute "an entity or organization involved in the collection and distribution of royalties" as identified in the House Report, and might thereby demonstrate a "significant interest."

"streaming services, advertising sales, and audience measurement to the webcasting community"—do not constitute any of the examples provided in the House Report as bases for establishing a "significant interest" sufficient to participate in this proceeding.

Rather, Triton asserts only that it *aspires* to "offering a full, turnkey solution to webcasters," one that "could" in the future "take responsibility for calculating and paying the appropriate statutory royalties on behalf of its webcaster clients." Triton Response at 3.[7] The Judges do not conclude whether that future business would constitute a significant interest in a rate-setting proceeding. In any event, a CARP panel previously held that an entity's claim of a mere interest in engaging *in futuro* in a business that might have a sufficient interest in a royalty rate proceeding had not thereby demonstrated a *present* interest that would support participation in a royalty rate proceeding. *Order in Docket No. 99–6 CARP DTRA at 2* (June 21, 2000) (A vague or unspecified desire to form a business that would use the license or that would benefit indirectly from another's use is not a specific interest.). Thus, it is clear that Triton does not perform any of the functions identified in the House Report that would demonstrate a sufficient 'significant interest."

Triton also argues that it may be required to perform new or different tasks depending upon the terms ultimately adopted in this proceeding, perhaps causing it to incur some additional expense, again reducing profits. *See Triton Response* at 3-4 ("[T]he terms to be established in this proceeding will directly affect how Triton will conduct its Royalty reporting services .... Triton's business ... clearly is affected by the terms set for any royalty collection.") The Judges cannot be influenced in proceedings under section 112 and 114 however, by how the establishment of otherwise appropriate marketplace rates and terms might affect complementary service providers in the provision of their business services.[8]

The purpose of the statutory license for sound recordings is to establish "rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller." 17 U.S.C. § 114(f)(2)(B); *see also* 17 U.S.C. § 112(e)(4) (same test for ephemeral license). The statutory hypothetical market rates substitute for actual market rates for particular economic reasons: to overcome the intractable transaction costs that would lead to market failure if licensors and licensees were required to negotiate the royalty for each performance of a sound recording; and to ameliorate uncompetitive pricing that could arise if a private collective possessed the market power to establish royalty rates on behalf of all licensors. *See, e.g.,*

[7] Triton also states that it now only provides its clients with a royalty reporting service—the Triton "Royalty Reporting Tool"—that allows Triton's webcaster-clients to "track" performances and automate their own "collection and submission of this data to SoundExchange ...." http://www.tritondigital.com/publishers/streaming-media-hosting (*cited* in *Triton Response* at 5 n.16). However, as noted in the text, *supra*, the actual payment of the royalties is handled by the webcasters, not Triton.

[8] If Triton believes that any additional tasks it must undertake, or further expenses it may incur, would be detrimental to its licensee-clients, it has other means to bring such information to the attention of the Judges. First, a representative of a service provider such as Triton could appear as a witness on behalf of a licensee or trade association. Second, a service provider such as Triton could provide financial support to its licensee-clients, or to a trade association, so that the customer or association has additional resources to provide the Judges with evidence, testimony, and legal argument that the service provider and its licensee-clients believe to be important. This form of non-participant involvement can be even more valuable, to the extent joint efforts create efficiencies and economies of scale, as compared to adding only another set of attorneys and economists, whose participation may be merely cumulative. In these ways, the legitimate and relevant concerns that Triton seeks to address would be brought to the attention of the Judges, without the attendant cost associated with the inclusion of an additional participant that may lack an independent significant interest. *See* Ernest Gellhorn, *Public Participation in Administrative Proceedings*, 81 Yale L. J. 359, 380-81 (1972) (When a putative party's interests are already represented by other parties, the putative party "should be encouraged to assist the existing parties" rather than be permitted to participate, which would be "wasteful, duplicative and unnecessarily burdensome.")

Randall Picker, *Copyright as Entry Policy: The Case of Digital Distribution,* 47 Antitrust Bull. 423, 464 (2002) ("statutory licenses ha[ve] the virtue of mitigating the exercise of monopoly power and minimizing the transaction costs of negotiations."). By contrast, nothing in the statute, or in the economic rationale for the statutory license, suggests that the financial interests of the providers of complementary services should affect the rates and terms established in these proceedings.

Finally, the Judges note that Triton does not state whether any or all of its clients are otherwise represented in this proceeding, either directly or indirectly by the Digital Media Association (DiMa), "a trade organization representing the public policy and business interests of [its] member companies, including ... several that will utilize the license ... for which rates and terms will be set in this proceeding." *DiMa Petition to Participate* (Feb. 3, 2014). To the extent the interests of Triton's clients are already represented in this proceeding, its participation would be redundant. *See* Gellhorn, *supra.*[9]

## IV. The Limited Scope of this Order

The Judges are not establishing a bright-line rule in this decision. Thus, the Judges are not ruling in this Order whether any or all other tangible interests of a putative participant would satisfy the *legal* "significant interest" test. In that regard, it is worth noting again that the House Report expressly identified entities "involved in the collection and distribution of royalties" as examples of entities possessing a legally "significant interest" to allow them to participate. Clearly, the functions of collecting and distributing funds—and the payments received to perform such services—are no more "directly related" economically to the royalties and terms established in this proceeding than are the functions and payments relating to the "myriad of other business expenses" incurred by webcasters.[10] Thus, some tangible economic interests might serve to support a petition to participate, and the Judges do not foreclose that possibility by this decision.

The limited scope of this Order is consistent with analogous principles of standing applied by the D.C. Circuit. *Cf. United Church of Christ v. FCC*, 359 F.2d 994, 1000 n.8 (D.C. Cir. 1966) (applying same test for determining standing before agency and before court). As the D.C. Circuit has long noted, an administrative adjudicator, like a court, is required to balance competing objectives: "On the one hand sufficient breadth must be given to 'party in interest' to permit those seriously affected to participate in the administrative and judicial proceedings, without on the other hand placing the proceedings beyond control of the public tribunals."

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[9] Redundancy is a factor for the Judges to consider, but it is by no means dispositive. For example, a licensee that directly pays substantial royalties under the section 112 and 114 licenses has an obviously significant interest sufficient to appear on its own behalf, even if a trade association to which it belongs is also a participant. That is, an individual licensee may also have peculiar interests that are not shared by other licensees and thus not sufficiently addressed by the trade association.

[10] Interestingly, although the House Report states why licensors and licensees have significant interests, it does not explain why an entity that provides the service of collecting and distributing royalties would also have a significant interest. House Report at 29. One reason why such a service provider would have a significant interest is that the licensee's decision to "contract out" for license-specific services does not necessarily mean that the service provider has an "insignificant" interest in the proceeding. Indeed, the decision whether to "contract out" or to maintain a service "in house" should not be relevant to the issues of participation, standing and significant interest, because that decision is purely economic in nature. *See generally* Oliver E. Williamson, *The Transaction Cost Economics Project* at *xi* (2013) (noting abundant economic literature regarding the issue of "[w]hen is it more efficient to *mediate the interface* between successive stages of production by contract (market) rather than by hierarchy (unified ownership and operation)"); Ronald H. Coase, *The Nature of the Firm*, 4 Economica 386 (1937) (identifying economic reasons why a firm chooses between market (contract) supply and entrepreneurial (in house) provision of a good or service).

*Philco Corp. v. FCC*, 257 F.2d 656, 659 (D.C. Cir. 1958). However, neither a court nor an administrative adjudicator should exaggerate the potential problem of participation by a party who supposedly lacks a significant interest. As the D.C. Circuit explained:

> [T]he concept of standing is a practical and functional one designed to insure that only those with a genuine and legitimate interest can participate in a proceeding .... The fears of regulatory agencies that their processes will be inundated by expansion of standing criteria are rarely borne out. Always a restraining factor is the expense of participation in the administrative process, an economic reality which will operate to limit the number of those who will seek participation; legal and related expenses of administrative proceedings are such that even those with large economic interests find the costs burdensome.[11]

*United Church of Christ*, 359 F.2d at 1006.

To overly restrict those entities or individuals who may participate in proceedings before the Judges might compromise the quality of the evidence and testimony received. In that regard, allowing participation by a non-licensee with a substantial and tangible financial interest in the outcome would be consonant with core principles of the standing requirement–ensuring that parties: *(1)* have a real "stake" in succeeding; *(2)* have an "incentive" to advocate their positions effectively; and *(3)* inform the judges of the "practical consequences" of their decision. *See* Russell W. Jacobs, *In Privity with the Public Domain: The Standing Doctrine, the Public Interest and Intellectual Property*, 30 Santa Clara High Tech. L. J. 415, 427-28 (2014); William A. Fletcher, *The Structure of Standing*, 98 Yale L. J. 221, 222 (1988).

## V. Conclusion

It bears emphasis that Triton has not presented facts that would allow the Judges to apply the foregoing general arguments in order to justify Triton's participation in this proceeding.[12] Thus, although this decision does not *per se* foreclose any class or category of person or entity from future participation in any type of proceeding, it is clear that Triton has failed to show cause

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[11] This point has been borne out in prior ratemaking proceedings before the Judges and their predecessors, including prior webcasting proceedings, in which initial participants ultimately withdrew their petitions. *See, e.g., Determination of Royalty Rates for Digital Performance Right in Sound Recordings and Ephemeral* Recordings, 79 Fed. Reg. 23102, 23104 (April 25, 2014) (*Web III*) (voluntary withdrawal by Real Networks, Inc.); *Determination of Reasonable Rates and Terms for the Digital Performance of Sound Recordings and Ephemeral Recordings*, 67 Fed. Reg. 45240, 45241 (July 8, 2002) (*Web I*) (voluntary withdrawal by Music Choice); *see also Digital Performance Right in Sound Recordings and Ephemeral Recordings*, 72 Fed. Reg. 24084, 24094 (May 1, 2007) (*Web II*) ("Forty-two petitions were filed [but] f]ollowing an order to file a Notice of Intention to submit Written Direct Statements, the participants were reduced to ... twenty-eight ....")

[12] The *Triton Response* also exemplifies what appears to be a chronic problem with regard to submissions made on behalf of participants in proceedings before the Judges. That *Response* sets forth facts (together with legal argument), but was signed by Triton's outside counsel rather than by a principal of the participant or another non-attorney witness, under oath. If a participant seeks to present facts to the Judges, such a presentation cannot competently be made by the attorneys for the participant, unless they have first-hand knowledge of the facts, declare their intention and availability to testify on behalf of the participant, and set forth those facts under oath. (Of course, counsel may continue to sign affidavits, certifications and declarations regarding procedural or discovery matters as to which they have first-hand knowledge, and they may sign such documents when they serve as vehicles for appending otherwise proper exhibits for submission to the Judges.) In the present case, this defect had no effect on the decision, because even competent sworn submissions from individuals with first-hand factual knowledge that would have contained the same statements as made by counsel would have been insufficient to change the decision.

why it should be permitted to participate in this proceeding. For these reasons, the Judges hereby **DISMISS** the Petition to Participate filed by Triton.

**SO ORDERED.**

Suzanne M. Barnett
Chief Copyright Royalty Judge

DATED: June 4, 2014.

## Keys, LaKeshia

**From:** crb
**Sent:** Wednesday, June 04, 2014 11:59 AM
**Cc:** crb
**Subject:** 14-CRB-0001-WR (2016-2020) Order
**Attachments:** 6-4-14 Order Dismissing Petition to Participate Triton Digital Inc.pdf

Attached please find the 14-CRB-0001-WR (2016-2020) Order Dismissing Petition to Participate (Triton Digital, Inc.)

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**Keys, LaKeshia**

| | |
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| **From:** | Microsoft Exchange |
| **To:** | Amazon; Anjan Choudhury; Ari Shohat; Beats Music; Bradley Prendergast; Brendan Collins; Brian Gantman; Bruce Joseph; C.Colin Rushing; Catherine Gellis (cathy@cgcounsel.com); Christopher Harrison; Cynthia Greer; Dale Cendali; David Golden; David Oxenford; David Porter; Frederick Kass; George Johnson; Glenn Pomerantz; Greenstein, Gary; Harv Hendrickson; IBS Frederick Kass; James Duffett-Smith; Jane Mago; Janet Malloy Link (Janetlink@clearchannel.com); Jared Grusd; Jeff Yasuda; Jennifer Elgin; John Thorne; Joseph Wetzel; Karyn Ablin; Kelly Klaus; Kenneth Steinthal; Kevin Blair (kblair@kloveair1.com); Kurt Hanson; Lee Knife; Lewis, Greg; Lisa Widup; Mark Hansen; Michael Sturm; Nick Krawczyk; Nikki Kuna Mark Hansen asst.; Patrick Donnelly; R. Bruce Rich; Rahn, David; Rhapsody; Russ Hauth; Rusty Hodge; Sabrina Perelman; Thomas Cheney; Todd Larson; William Malone; David Strickler email |
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| **Subject:** | Relayed: 14-CRB-0001-WR (2016-2020) Order |

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Anjan Choudhury

Ari Shohat

Beats Music

Bradley Prendergast

Brendan Collins → received per order 6/4/14

Brian Gantman

Bruce Joseph

C.Colin Rushing

Catherine Gellis (cathy@cgcounsel.com)

Christopher Harrison

Cynthia Greer

Dale Cendali

David Golden

David Oxenford → [illegible] per order 6/4/14. Can't remove Oxenford is also counsel for another party

David Porter

Frederick Kass

George Johnson

Glenn Pomerantz

Greenstein, Gary

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IBS Frederick Kass

James Duffett-Smith

Jane Mago

Janet Malloy Link (Janetlink@clearchannel.com)

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Nikki Kuna Mark Hansen asst.

Patrick Donnelly

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Rahn, David

Rhapsody

Russ Hauth

Rusty Hodge

Sabrina Perelman

Thomas Cheney

Todd Larson

William Malone

David Strickler email

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**Keys, LaKeshia**

**From:** Microsoft Exchange
**To:** Gina Giuffreda; Ruwe, Stephen; Richard C. Strasser; crb (crb@loc.gov)
**Sent:** Wednesday, June 04, 2014 11:59 AM
**Subject:** Delivered: 14-CRB-0001-WR (2016-2020) Order

## Your message has been delivered to the following recipients:

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crb (crb@loc.gov)

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## Keys, LaKeshia

**From:** Microsoft Exchange
**To:** Strickler, David; Suzanne Barnett (Chief Judge); Feder, Jesse
**Sent:** Wednesday, June 04, 2014 11:59 AM
**Subject:** Delivered: 14-CRB-0001-WR (2016-2020) Order

### Your message has been delivered to the following recipients:

Strickler, David

Suzanne Barnett (Chief Judge)

Feder, Jesse

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## Keys, LaKeshia

**From:** Microsoft Exchange
**To:** LaKeshia D. Keys
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## Your message has been delivered to the following recipients:

LaKeshia D. Keys

Subject: 14-CRB-0001-WR (2016-2020) Order

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## Keys, LaKeshia

**From:** Greg Lewis <glewis@npr.org>
**Sent:** Wednesday, June 04, 2014 2:10 PM
**To:** crb
**Subject:** RE: 14-CRB-0001-WR (2016-2020) Order

Just to confirm, we have received the email and Order.

Gregory A. Lewis
Acting General Counsel and Acting Vice President for Legal and Business Affairs
National Public Radio, Inc.

1111 North Capitol Street, NE |Washington DC 20002|202.513.2050 phone|202.513.3021 fax| glewis@npr.org e-mail



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**From:** crb [mailto:crb@loc.gov]
**Sent:** Wednesday, June 04, 2014 11:59 AM
**Cc:** crb
**Subject:** 14-CRB-0001-WR (2016-2020) Order

Attached please find the 14-CRB-0001-WR (2016-2020) Order Dismissing Petition to Participate (Triton Digital, Inc.)

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**Keys, LaKeshia**

**From:** Ablin, Karyn <KAblin@wileyrein.com>
**Sent:** Wednesday, June 04, 2014 12:15 PM
**To:** crb
**Subject:** RE: 14-CRB-0001-WR (2016-2020) Order

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**From:** crb [mailto:crb@loc.gov]
**Sent:** Wednesday, June 04, 2014 11:59 AM
**Cc:** crb
**Subject:** 14-CRB-0001-WR (2016-2020) Order

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**Keys, LaKeshia**

**From:** George Johnson <george@georgejohnson.com>
**Sent:** Wednesday, June 04, 2014 2:40 PM
**To:** crb
**Subject:** Re: 14-CRB-0001-WR (2016-2020) Order

Yes. Received. Thank you.

Sent from my iPhone

On Jun 4, 2014, at 10:58 AM, crb <crb@loc.gov> wrote:

> Attached please find the 14-CRB-0001-WR (2016-2020) Order Dismissing Petition to Participate (Triton Digital, Inc.)
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>
> <6-4-14 Order Dismissing Petition to Participate Triton Digital Inc.pdf>

**Keys, LaKeshia**

**From:** Joseph, Bruce <BJoseph@wileyrein.com>
**Sent:** Wednesday, June 04, 2014 4:07 PM
**To:** crb
**Subject:** RE: 14-CRB-0001-WR (2016-2020) Order

Receipt confirmed.

Bruce Joseph
Wiley Rein

> **From:** crb [mailto:crb@loc.gov]
> **Sent:** Wednesday, June 04, 2014 11:59 AM
> **Cc:** crb
> **Subject:** 14-CRB-0001-WR (2016-2020) Order
>
> Attached please find the 14-CRB-0001-WR (2016-2020) Order Dismissing Petition to Participate (Triton Digital, Inc.)
>
> ***Please reply as confirmation that you received this email.***
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**Keys, LaKeshia**

**From:** William Malone <w_malone@verizon.net>
**Sent:** Wednesday, June 04, 2014 4:05 PM
**To:** crb
**Subject:** 14-CRB-0001-WR (2016-2020) Order

I acknowledge receipt on behalf of IBS and WHRB.

Bill Malone

On 06/04/14, crb<crb@loc.gov> wrote:

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***Copyright Royalty Board***

## Keys, LaKeshia

**From:** Brad Prendergast <BPrendergast@SOUNDEXCHANGE.COM>
**Sent:** Wednesday, June 04, 2014 11:10 PM
**To:** crb
**Subject:** RE: 14-CRB-0001-WR (2016-2020) Order

Received.

Thanks,

**Brad Prendergast | Senior Counsel, Licensing & Enforcement | SoundExchange, Inc. |**
733 10th Street, NW | 10th Floor | Washington, DC 20001 |
P: 202.559.0550 | F: 202.640.5883 | bprendergast@soundexchange.com
www.SoundExchange.com | Facebook | Twitter| YouTube

**From:** crb [mailto:crb@loc.gov]
**Sent:** Wednesday, June 04, 2014 11:59 AM
**Cc:** crb
**Subject:** 14-CRB-0001-WR (2016-2020) Order

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## Keys, LaKeshia

**From:** Choudhury, Anjan <anjan.choudhury@mto.com>
**Sent:** Wednesday, June 04, 2014 6:46 PM
**To:** crb
**Subject:** RE: 14-CRB-0001-WR (2016-2020) Order

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**From:** crb [mailto:crb@loc.gov]
**Sent:** Wednesday, June 04, 2014 8:59 AM
**Cc:** crb
**Subject:** 14-CRB-0001-WR (2016-2020) Order

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MUSIC REPORTS

June 2, 2014

**VIA U.S. MAIL**
Copyright Royalty Board
P.O. Box 70977
Washington, DC 20024-0977

**Re: Docket No. 14-CRB-0001-WR (2016-2020)**

Dear Copyright Royalty Board,

Per your request, enclosed for filing is one (1) electronic copy in PDF format on a Compact Disc of Music Reports, Inc.'s Notice of Status of Negotiations in the above-referenced Copyright Royalty Board proceeding.

Please contact me at (818) 558-1400 ext. 7112 if you have any questions.

Sincerely,

Carin Stafford
Executive Assistant to William B. Colitre

CS/bc

Enclosures

## Carin Stafford

**From:** crb [crb@loc.gov]
**Sent:** Friday, May 30, 2014 3:52 PM
**To:** 'Carin Stafford'; crb
**Cc:** 'Bill Colitre'; crb
**Subject:** RE: 14-CRB-0001-WR CD/PDF version missing

Yes please resubmit the cd in the mail. Thanks.

***Copyright Royalty Board***

**From:** Carin Stafford [mailto:cstafford@musicreports.com]
**Sent:** Friday, May 30, 2014 6:10 PM
**To:** crb
**Cc:** 'Bill Colitre'
**Subject:** RE: 14-CRB-0001-WR CD/PDF version missing

We confirmed with our courier that the CD was hand-delivered along with paper copies of our filing to Anthony Williams at your office yesterday afternoon. In addition, Bill Colitre has just emailed you a PDF version of the filing. Do you still need us to mail a CD or will this be sufficient?

Thank you,

**Carin Stafford**
Executive Assistant
Music Reports, Inc.
21122 Erwin Street
Woodland Hills, CA 91367
818-558-1400 ext. 7112
cstafford@musicreports.com
www.musicreports.com

**From:** crb [mailto:crb@loc.gov]
**Sent:** Friday, May 30, 2014 2:32 PM
**To:** 'Bill Colitre'; crb
**Cc:** 'Carin Meyer'; crb
**Subject:** RE: 14-CRB-0001-WR CD/PDF version missing

Thanks.

***Copyright Royalty Board***

**From:** Bill Colitre [mailto:bcolitre@musicreports.com]
**Sent:** Friday, May 30, 2014 5:05 PM
**To:** crb
**Cc:** 'Carin Meyer'
**Subject:** RE: 14-CRB-0001-WR CD/PDF version missing

Hello,

Thanks for the notice. Our courier assured us that they delivered it to you on CD-ROM, but I will take that up with them.

In the meantime, I've attached the PDF here.

Thanks,

William B. Colitre
VP, Business & Legal Affairs
MUSIC REPORTS
21122 Erwin St.
Woodland Hills, CA 91367
Tel: 818-558-1400 x7093
E-mail: bcolitre@musicreports.com

**From:** crb [mailto:crb@loc.gov]
**Sent:** Friday, May 30, 2014 1:48 PM
**To:** William Colitre
**Cc:** crb
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